

CITY COUNCIL AGENDA

OCTOBER 21, 2008

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
3:30 p.m. - Hear Open Forum
7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 9)**
Branham High School Choir, Barbara West, Director
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

JOINT COUNCIL/SAN JOSÉ FINANCING AUTHORITY MEETING TO BE HEARD IMMEDIATELY AFTER CONSENT CALENDAR.

ITEM 3.6 TO BE HEARD IMMEDIATELY FOLLOWING JOINT CITY COUNCIL/SAN JOSÉ FINANCING AUTHORITY MEETING.

ITEMS 9.2 AND 9.3 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

ADJOURNMENT: This meeting will be adjourned in memory of Pastor Jeffery S. Heard, who passed away suddenly on October 4, 2008. Pastor Heard was the founding Pastor of Rohi Temple of Reconciliation and President of Rohi Alternative Community Outreach, Inc., a non-profit organization dedicated to providing positive programs for youth in San José. (Campos)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation honoring Don Johnson for his retirement of over 30 years of leadership and commitment in providing outstanding junior tennis programs to the youth of San José. (Liccardo)

* **DROPPED**

- 1.2 Presentation of a proclamation declaring October 19 through October 25, 2008 as “National Teen Safe Driving Week” in the City of San José and a commendation to Martin and Jo Harding for founding the Maxwell’s Pledge Program. (Mayor/Police/Transportation)

- 1.3 Presentation of the “Most Secure City” award to the City Council on behalf of Farmers Insurance. (Mayor)

- 1.4 Presentation of a proclamation declaring October 2008 as “Domestic Violence Awareness Month” in the City of San José. (Williams/Campos/City Manager’s Office) (Deferred from 10/7/08 – Item 1.5)

- 1.5 Presentation of a commendation recognizing Joey Chestnut for successfully and decisively defeating his competition on July 4, 2008 at the “Nathan’s Hot Dog Eating Contest” in Coney Island, New York, while representing the City of San José. (Williams)

* (Rules Committee referral 10/15/08)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 [Approval of an Amendment to the City Council Minutes.](#)

Recommendation: Approval of an amendment to the City Council Minutes of June 3, 2008. (City Clerk)

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD NO. 28419 – Amending Section 7.20.520 of Chapter 7.20 of Title 7 of the San José Municipal Code to allow residents who obtained a cat or dog license from another jurisdiction and are annexed into the City to transfer the remainder of the license period.
- (b) ORD NO. 28420 – Rezoning certain real property situated on the east side of Saratoga Avenue, 300 feet southerly of Los Felice Drive to CO Commercial Office Zoning District. C08-0041
- (c) ORD NO. 28421 – Rezoning certain real property situated on the west side of Piedmont Road approximately 220 feet north of Suncrest Avenue to A(PD) Planned Development Zoning District. (PDC07-021
- (d) ORD NO. 28423 – Rezoning certain real property situated at the east side of Entrada Cedros, approximately 200 feet south of Giuffrida Avenue to A(PD) Planned Development Zoning District. (PDC07-012)

2.3 Report on RFP for Mobile Identification Services.

Recommendation: Report on Request for Proposal for the purchase of Mobile Identification Interface Services and adoption of a resolution authorizing the Director of Finance to:

- (a) Execute an agreement with 3i Infotech Corporation (Edison, NJ) for professional services for the interface design, development, integration and implementation of Phase 1 implementation of the mobile identification project (remote real-time finger print identification) including software licenses and three years of maintenance and support, for a not-to-exceed amount of \$360,867 and to exercise options to initiate the following phases subject to appropriation of funds:
 - (1) Phase 2 - Search and Return Mugshot Photo - \$250,000.
 - (2) Phase 3 - Search through State CLETS database - \$109,100.
 - (3) Phase 4 - Search through State AFIS database - \$241,110.
- (b) Execute options to renew software maintenance and support after the initial three year term subject to the annual appropriation of funds.

CEQA: Not a Project. (Finance)

2. CONSENT CALENDAR

2.4 Actions Related to Historic Landmark Initiation for the Renzel House.

Recommendation: Adopt a resolution:

- (a) Initiating proceedings to consider the single-family house located at 120 Arroyo Way as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Referring the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- (c) Setting a public hearing on Tuesday, December 2, 2008 at 1:30 p.m. for Council consideration of City Landmark designation of the structure noted above.

CEQA: Not a Project. Council District 3. SNI: University. HL08-174. (Planning, Building and Code Enforcement)

2.5 Actions Related to Historic Landmark Initiation for the Somers House.

Recommendation: Adopt a resolution:

- (a) Initiating proceedings to consider the single-family house located at 675 S. Sixth Street as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Referring the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- (c) Setting a public hearing on Tuesday, December 2, 2008 at 1:30 p.m. for Council consideration of City Landmark designation of the structure noted above.

CEQA: Not a Project. Council District 3. SNI: University. HL08-175. (Planning, Building and Code Enforcement)

2.6 Excused absence for Vice Mayor Cortese.

Recommendation: Request for an excused absence for Vice Mayor Cortese from the Special Rules and Open Government Committee Meeting and the Special City Council Meeting on October 14, 2008 due to authorized City Business: Serving on a panel for the Silicon Valley Education Foundation. (Cortese)
(Rules Committee referral 10/08/08)

2.7 Certificate of Sufficiency of Petition to Recall Council Member Nguyen, District 7.

- * **Recommendation:** Accept the Santa Clara County Registrar of Voters' Certificate of Sufficiency of Petition of Recall Petition and place on the City Council November 4, 2008 Agenda a resolution calling a Special Recall Election on March 3, 2009. (City Clerk)

2. CONSENT CALENDAR

2.8 Excused absence for Councilmember Pyle.

Recommendation: Request for an excused absence from the Regular Meeting of the Neighborhood Services and Education Committee on October 9, 2008 due to an illness. (Pyle)

* (Rules Committee referral 10/15/08)

2.9 Excused absences for Councilmember Constant.

Recommendation: Request for excused absences from the following meetings due to authorized City Business, attending the Federated City Employees' Retirement Services Educational Training in San Antonio, Texas:

(a) The Redevelopment Agency Budget Study Session scheduled on November 17, 2008.

(b) The Executive and Regular City Council Meeting on November 18, 2008.

(c) The Rules and Open Government Committee Meeting on November 19, 2008. (Constant)

* (Rules Committee referral 10/15/08)

2.10 Naming a new park.

Recommendation: As recommended by the Parks and Recreation Commission, name a new park located near the intersection of Rivers Oaks Parkway and Zanker Road in North San José as "River Oaks Park". (City Clerk)

* (Rules Committee referral 10/15/08)

2.11 Naming a new park.

Recommendation: As recommended by the Parks and Recreation Commission, name a new park located along the Guadalupe River at the terminus of Rivers Oaks Parkway in North San José as "Riverview Park". (City Clerk)

* (Rules Committee referral 10/15/08)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – October 1, 2008

Mayor Reed, Chair

- (a) City Council
 - (1) Review October 7, 2008 Final Agenda
 - (2) Review October 14, 2008 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (a) Sacramento Update (verbal report). (Manager)
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules committee Reviews, Recommendations and Approvals
 - (1) Workload Assessment related to suspension of certain provisions of the sign ordinance. (Cortese)
(Deferred from 9/24/08)
 - (2) Approve amending bylaws of the Caltrain Centralized Equipment Maintenance Operations Facility. (Williams)
 - (3) Create a Memorandum of Understanding between City of San Jose and County of Santa Clara regarding policies, procedures and protocols for San Jose Fire Department response to the County Jail. (Oliverio)
 - (4) Approve expenditure for Faith Leaders Appreciation Breakfast. (Reed)
 - (5) Approval of \$5,000 grant from Council District 8 funds to the San Jose East Evergreen Rotary Club. (City Clerk)
- (h) Review of Additions to Council Committee Agendas
 - (1) Community and Economic Development (CED) Committee
 - (2) Neighborhood Services and Education
 - (a) Approve addition of an item to the November 13, 2008 agenda entitled, “Report on Parks, Recreation and Neighborhood Services Department pricing and revenue plan.” (Parks, Recreation and Neighborhood Services)
 - (3) Transportation and Environment Committee
 - (4) Public Safety, Finance and Strategic Support Committee
- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force (SRTF)
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

3. STRATEGIC SUPPORT SERVICES

3.3 [Approve a Memorandum of Agreement with the Confidential Employees' Organization \(CEO\), AFSCME Local 101.](#)

Recommendation: Adopt a resolution approving the terms of a Memorandum of Agreement with the Confidential Employees' Organization (CEO), AFSCME Local 101, and authorizing the City Manager to execute the agreement with a term of September 21, 2008 to September 17, 2011. CEQA: Not a Project. (City Manager's Office)

3.4 [Approval of actions related to the 2007-2008 Annual Report.](#)

Recommendation:

- (a) Accept the 2007-2008 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2007-2008 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions).
- (c) Adopt a resolution approving amendments to City Council Policy 1-18 entitled Operating Budget and Capital Improvement Program Policy to add a subsection on the treatment of Interfund Loans to address a recommendation included in the Audit of the Management of the City's Tax –Exempt Bond Program and Use of Interfund Loans to Provide Financing for Capital Projects.
- (d) Adopt a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements specifically described in the memorandum from the Redevelopment Agency dated August 7, 2008, included in the Appendix section of this report. These funds pay for eligible capital projects, making funds available for the San José BEST program and to support the addition of eight Police Officers.

CEQA: Not a Project. (City Manager's Office)

3.5 [Discussion of the City's Organizational Initiatives.](#)

[Supplemental – Memo from the City Manager](#)

Recommendation:

Recommendation:

- (a) Discuss the status of the Three-Year General Fund Structural Deficit Elimination Plan;
- (b) Review and accept progress report on the Six-Month Strategic Objectives; and
- (c) Discuss the "Beyond Budget Cuts" organizational improvement effort.

CEQA: Not a Project. (City Manager's Office)

3. STRATEGIC SUPPORT SERVICES

3.6 Actions Related to the Hayes Mansion Conference Center.

Recommendation: Adoption of Appropriation Ordinance amendments in the General Fund to pay the City's outstanding loan with Comerica Bank related to the Dolce Hayes Mansion operations:

- (a) Decrease the Hayes Mansion Conference Center Line of Credit Security Earmarked Reserve by \$5,000,000; and
- (b) Establish a City-Wide appropriation for the Hayes Mansion Conference Center Line of Credit Payment in the amount of \$5,000,000.

CEQA: Not a Project. (Finance/City Manager's Office)

**TO BE HEARD IMMEDIATELY FOLLOWING THE JOINT CITY COUNCIL/
SAN JOSÉ FINANCING AUTHORITY MEETING**

3.7 **Report of the Rules and Open Government Committee – September 24, 2008 Mayor Reed, Chair**

- (a) City Council (City Clerk)
 - (1) Review September 30, 2008 Final Agenda
 - (a) Add New Items to final agenda
 - (1) Recommend adoption of the following resolutions in connection with the formation of a Convention Center Facilities District:
 - (a) A resolution of Intention to form a Convention Center Facilities District, to authorize the levy of special taxes pursuant to the City of San José Convention Center Facilities District financing procedure, to set a public hearing on Tuesday, November 4, 2008, at 1:30 p.m. regarding formation of the District and authorizing other related actions.
 - (b) A resolution to Incur Bonded Indebtedness of the proposed Convention center Facilities District pursuant to the City of San José Convention Center Facilities District financing procedure in an amount not to exceed \$750,000,000.
 - (c) A resolution of Official Intent to Reimburse Expenditure pursuant to United States Treasury Regulations Section 1.150-2 form tax-exempt bond proceeds.
Council District: City-wide. CEQA: Resolution No. 72767
 - (b) Assign "Time Certain" to Agenda Items (if needed)
- (2) Review October 7, 2008 Draft Agenda
 - (a) Add New Items to draft agenda
 - (b) Assign "Time Certain" to Agenda Items (if needed)
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting

3. STRATEGIC SUPPORT SERVICES

3.7 Report of the Rules and Open Government Committee – September 24, 2008

Mayor Reed, Chair (Cont'd.)

(c) Legislative Update

(1) State

(a) Sacramento Update (verbal report). (City Manager's Office)

(b) Accept Recommended City Positions on the November 4, 2008 California General Election Ballot – Propositions 1A, 3, 5, 6, 7, 10 and 12. (City Manager's Office)

HEARD BY COUNCIL 10/07/08 – Item 3.4

(2) Federal

(d) Meeting Schedule

(1) Approval of a Capital Budget Study Session on November 17, 2008, 9:00 a.m. – Noon, in Council Chambers. (Redevelopment Agency)

(e) The Public Record

(f) Appointments to Boards, Commissions and Committee

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Recommendation that the City Council and Agency Board accept the disclosure of property interest by Joseph Horwedel, Director of Planning for the City of San José, and direct that the disclosure be entered into the public minutes of the Agency Board meeting. (Redevelopment Agency)

(2) Recommendation that the City Council and Agency Board accept the disclosure of property interest by Debra Figone, City Manager, and direct that the disclosure be entered into the public minutes of the Agency Board meeting. (Redevelopment Agency)

(3) Update on Board/Commission Member Absence Policy. (City Clerk)

(4) Update City of San José Employee Travel Policy to Include Web Based Technology. (Oliverio)

(5) Recommend Ratification of Election Process for Retiree Representatives to the Federated and Police and Fire Retirement Boards. (City Clerk)

TO BE HEARD BY COUNCIL 9/30/08

(6) Workload Assessment related to suspension of certain provisions of the sign ordinance. (Cortese)

(7) Require Park Fees and/or Parkland for all Affordable Housing Project (Oliverio)

(h) Review of additions to Council Committee Agendas

(1) Community and Economic Development Committee

(2) Neighborhood Services and Education Committee

(3) Transportation and Environment Committee

(4) Public Safety, Finance and Strategic Support Committee

(i) Open Government Initiatives

(1) Reed Reforms

(2) Sunshine Reform Task Force (SRTF)

(3) Significant Public Records Act Requests

(4) Council Policy Manual Update

(j) Open Forum

(k) Adjournment

* (Deferred from 10/7/08 – Item 3.2)

3. STRATEGIC SUPPORT SERVICES

3.8 Work2Future Board Nomination.

Recommendation: As recommended by the Rules and Open Government Committee, approve the appointment of Jorge Zavala as a business/private industry representative on the Work2Future Board of Directors. (Reed)

* (Rules Committee referral 10/15/08)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report*

4.2 Approve a Willow Glen Community Benefit and Improvement District.

Recommendation: Adopt a resolution by the City Council:

- (a) Stating its intention to form a Community Benefit and Improvement District in Willow Glen;
- (b) Preliminarily approving the Willow Glen Management Plan and Engineer's Report;
- (c) Setting a public hearing on December 16, 2008 at 7:00 p.m.; and
- (d) Calling an election for tabulation of the ballots for December 16, 2008 at 7:00 p.m.

CEQA: Exempt, File PP08-097. Council District 6. (Public Works)

* **RECOMMEND DEFERRAL TO 10/28/08 PER ADMINISTRATION**

4.3 Public Hearing on the Reorganization of Winchester No. 42.

Recommendation: Conduct a public hearing and adopt a resolution ordering the reorganization/annexation of the territory designated as Winchester No. 42, which involves the annexation to the City of San José of approximately 85 gross acres of land located west of Winchester Boulevard between Stevens Creek Boulevard and Highway 280 and the detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 1. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 [Public Hearing on the Reorganization of Buena Vista No. 2.](#)

Recommendation: Conduct a public hearing and adopt a resolution ordering the reorganization/annexation of the territory designated as Buena Vista No. 2, which involves the annexation to the City of San José of approximately 40 gross acres of land located south of West San Carlos Street, west of Meridian Avenue and the detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, Burbank Sanitary District, Sunol Sanitary District, and Area No. 01 (Library Services). CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

4.5 [Public Hearing on the Reorganization of Riverside No. 51.](#)

Recommendation: Conduct a public hearing and adopt a resolution ordering the reorganization/annexation of the territory designated as Riverside No. 51 which involves the detachment of 3.4 gross acres of land located along Santa Teresa Boulevard, 100 feet southeast of Bayliss Drive from the South Santa Clara Fire Protection District. CEQA: Resolution No. 65459. Council District 2. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

5. NEIGHBORHOOD SERVICES

5.1 **Report of the Neighborhood Services and Education Committee – [October 9, 2008](#)** **Councilmember Chirco, Chair**

- (a) Library Annual Usage Report. (Library)
Request deferral to November 2008
- (b) Inclusionary Housing Update. (Housing)
Request deferral to a special meeting date to be determined
- (c) Report to Citywide Sports Field Study. (PRNS)
Request deferral to November 2008
- (d) After School Program Update. (PRNS)
- (e) Report on Healthy Neighborhoods Venture Fund Migration to Results Based Accountability Model. (PRNS)
SEE ITEM 5.3 FOR COUNCIL ACTION TO BE TAKEN
- (f) Update on Community Center Reuse Funding and Source of Funding/Facility Reuse Policy Recommendations. (PRNS)
Request deferral to November 2008
- (g) Traffic Calming Update. (DOT)

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – October 9, 2008 Councilmember Chirco, Chair (Cont'd.)

- (h) Review of Relevant 2009 Legislative Guiding Principles. (CMO)
- (i) Strong Neighborhoods Update. (CMO)
 - (a) Neighborhoods Commission Update
Request deferral to November 2008
- (j) Schools/City Collaborative Monthly Update. (CMO)
 - (a) Reports from School Safety, Joint Use and Teacher Recruitment/Retention Subcommittees.
- (k) Oral Petitions
- (l) Adjournment

5.2 Approve SNI's West Evergreen Neighborhood Improvement Plan Amendment.

Recommendation:

- (a) Accept the Strong Neighborhoods Initiative (SNI) *West Evergreen Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the West Evergreen SNI Planning Area; and
- (b) Encourage West Evergreen area residents, property owners and community members to continue to dedicate their time, energy and resources towards the *Plan* and this *Amendment* while continuing with their community-building activities.

CEQA: Resolution No. 71045. Council Districts 7 and 8. SNI: West Evergreen. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Parks, Recreation and Neighborhood Services/City Manager's Office/Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

5.3 Report on Healthy Neighborhoods Venture Fund Migration.

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Recommendation:

- (a) Approval of the Healthy Neighborhoods Venture Fund's implementation of the Results Based Accountability Model, including the following:
 - (1) Healthy Neighborhoods Strategic Work Plan.
 - (2) HNVF Allocation Plan.
 - (3) HNVF Rules of Order.
 - (4) HNVF Policies.
- (b) Acceptance of the Neighborhood Services and Education Committee's October 9, 2008, actions regarding the Report on HNVF Migration to RBA Model. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 10/9/08 – Item (e)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – [October 6, 2008](#)

Councilmember Williams, Chair

- (a) Items recommended for deferral
- (b) Report on Red Light Running Camera Systems. (PD)
- (c) Trail Program Status Report. (PRNS)
- (d) Update Report on Revised Street Light Policy. (DOT)
- (e) Environmentally Preferable Procurement Policy Report FY 2007-2008. (Finance/ESD)
- (f) Report on the Proposed Work Plan to Establish Extended Producer Responsibility as a Legislative, Procurement and Regulatory Priority. (ESD)
- (g) Review of the 2009 Legislative Guiding Principles. (CMO)
- (h) Report on Request of Proposals for City Generated Zone Towing Agreements. (PBCE)
- (i) Recommendation for Council approval on the Implementation of a Living Wage Ordinance applicable to the Norman Y. Mineta San José International Airport. (Airport)
- (j) Public Forum
- (k) Adjournment

6.2 [Amend Schedule of Fees and Charges at the Airport for Taxis and authorizing biennial setting of all taxi rates.](#)

Recommendation:

- (a) Adopt a resolution:
 - (1) Amending the Schedule of Fees and Charges at the Norman Y. Mineta San José International Airport contained in Resolution No. 74536 to establish a Taxicab Minimum Rate of Fare from the Airport of \$15, which will include the \$1.50 Airport Trip Fee and which will cover the first three miles of travel.
 - (2) Readopting all other Rates, Fares and Tariffs in Resolution No. 74536 not revised above.
 - (3) Repealing Resolution No. 74536.

*

- (b) Approve [an ordinance](#):
 - (1) Amending Chapter 6.64 of Title 6 of the San José Municipal Code to authorize the Director of Transportation (“Director”) to set and adjust taxicab rates, fares and surcharges based on industry indicators on a biennial basis, or sooner, as the Director deems appropriate;

CEQA: Not a Project. (Airport/Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Report on bids for the Installation of Water Services and Mains.](#)

[Supplemental – Letter from the Water Pollution Control Plant](#)

Recommendation: Report on bids and award of contract for Installation of Potable and Non-Potable Water Services and Mains: 2008-2009 to the lowest responsive bidder, West Valley Construction, for the estimated term of January 2009 to February 2010, for an agreement amount not to exceed \$663,220. CEQA: Exempt, File No. PP05-130. (Environmental Services)

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.2 AND 9.3 IN A JOINT SESSION

9.1 **Approve actions related to the Smart Start Childcare and the San José Conservation Corps & Charter School.**

Recommendation:

- (a) Adopt a resolution finding that creation of a Smart Start Center at 1560 Berger Drive will be of Primary Benefit to the Rincon de Los Esteros Redevelopment Project Area; and,
- (b) Approve an agreement with the San José Conservation Corps & Charter School (SJCC&CS), a California Non-Profit Corporation, in the amount of \$600,000, for improvements to the property located at 1560 Berger Drive for the creation of a Smart Start Center providing 82 childcare spaces to be operated under Smart Start San José standards.

CEQA: Mitigated Negative Declaration, File No. CP06-004. (City Manager's Office/Redevelopment Agency)

* **TO BE HEARD AT THE 10/28/08 REDEVELOPMENT AGENCY MEETING**

9.2 [Approve a loan agreement between the Agency and the City of San José to use the Sanitary Sewer Connection Fee Fund.](#)

Recommendation:

- * (a) City Council and Redevelopment Agency Board to approve a loan agreement between the Redevelopment Agency and the City of San José to use the Sanitary Sewer Connection Fee Fund, in an amount of \$34.46 million, with a term of up to 72 hours, for the purpose of paying Agency obligations, such as capital, operating and other expenses in the adopted 2008-2009 Agency Budget, including the State-mandated Educational Revenue Augmentation Fund payment and the pass-through obligation to the County of Santa Clara.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Approve a loan agreement between the Agency and the City of San José to use the Sanitary Sewer Connection Fee Fund (Cont'd.)

Recommendation:

- (b) City Council to adopt the following 2008-2009 appropriation ordinance and funding sources resolution amendments in the Sewer Service and Use Charge Capital Improvement Fund (545):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$26,394,000.
 - (2) Decrease the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$20,051,000.
 - (3) Decrease the 30" Old Bayshore Supplement appropriation in the amount of \$3,494,000.
 - (4) Decrease the Spreckles Sanitary Sewer Force Main Supplement appropriation in the amount of 2,849,000.
 - (5) Reestablish the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$20,051,000.
 - (6) Reestablish the 30" Old Bayshore Supplement appropriation in the amount of 3,494,000.
 - (7) Reestablish the Spreckles Sanitary Sewer Force Main Supplement appropriation in the amount of 2,849,000.
 - (8) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$26,394,000.
- (c) City Council to adopt the following 2008-2009 appropriation ordinance and funding sources resolution amendments in the Sanitary Sewer Connection Fee Fund (540):
 - (1) Establish a Loan to the Redevelopment Agency appropriation in the amount of \$8,066,000.
 - (2) Decrease the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$8,066,000.
 - (3) Reestablish the Edenvale Sanitary Sewer Supplement, Phase VA and VB appropriation in the amount of \$8,066,000.
 - (4) Establish an estimate for Loan Repayments from the Redevelopment Agency in the amount of \$8,066,000.

(City Manager's Office/Redevelopment Agency)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.3 Authorize the issuance of two series of Merged Area Redevelopment Project Tax Allocation Bonds in the aggregate principal amount of not-to-exceed \$119,000.

- * **Recommendation:** Adopt a resolution of the Redevelopment Agency Board amending and restating the original Resolution authorizing the issuance of two series of Merged Area Redevelopment Project Tax Allocation Bonds in the aggregate principal amount of not-to-exceed \$119,000,000 in order to authorize a true interest cost for the Series 2008A-T Bonds of not-to-exceed 8.5% and a true interest cost of the Series 2008B Bonds shall not exceed 7.0%. (Redevelopment Agency)

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.

- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) [Consideration of an ordinance rezoning the real property](#) located on the northwest corner of Tully Road and Kenesta Way (1935 Tully road) from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District to allow all commercial uses (McDonalds) on a 0.88 gross acre site (Franchise Realty Interstate Corporation, Owner). SNI: KONA, West Evergreen. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C07-099 – District 8
- (b) [Consideration of an ordinance rezoning the real property located](#) at/on the south side of Blossom Hill Road, approximately 300 feet westerly of Snell Avenue (456 Blossom Hill Road) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District to allow commercial uses on a 0.53 gross acre site (Gregory K. Bloom Trustee, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C08-028 – District 10
- (c) [Consideration of a Street Renaming for Tract 9881 from Tierra Encantada Court](#) to Bob Hansen Way, located on the south side of Tierra Encantada Way, approximately 220 feet east of McCreery Avenue (Tierra Encantada Development, LLP, Owner). SNI: Mayfair. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
ST08-002 – District 5

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**RECOMMEND DEFERRAL TO 11/18/08 PER COUNCIL MEMBER
CAMPOS**

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council or Redevelopment Agency Board.

- Adjournment
This meeting will be adjourned in memory of Pastor Jeffery S. Heard, who passed away suddenly on October 4, 2008. Pastor Heard was the founding Pastor of Rohi Temple of Reconciliation and President of Rohi Alternative Community Outreach, Inc., a non-profit organization dedicated to providing positive programs for youth in San José. (Campos)

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, October 21, 2008

CHAMBERS

TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR

1. Call to Order

2. Commercial Paper and Lease Revenue Bond Programs.

Supplemental – Memo from the Deputy Director of Finance

Attachment – Statement and Declaration of Conflict of Interest for Councilmember Pyle

Recommendation:

- (a) Adopt a resolution of the Council of the City of San José to authorize the execution of amendments to financing documents and authorize other related actions in connection with the issuance of City of San José Financing Authority Lease Revenue Commercial Paper Notes for the purpose of refunding the City or Authority's debt obligations.
- (b) Adopt a resolution of the City of San José Financing Authority to:
 - (1) Approve and authorize the execution of amendments to financing documents and authorize other related actions in connection with the issuance of City of San José Financing Authority Lease Revenue Commercial Paper Notes for the purpose of refunding the City or Authority's debt obligations.
 - (2) Authorize the Executive Director of the City of San José Financing Authority or the Executive Director's authorized designee, without further action of the Authority Board, to enter into an interim Commercial Paper Dealer Agreement with one or more investment banking firms for a period of up to 180 days with respect to the City of San José Financing Authority Commercial Paper Program in the event that the Executive Director deems it in the Authority's best interest.
 - (3) Authorize the Executive Director of the City of San José Financing Authority or the Executive Director's authorized designee, without further action of the Authority Board, to enter into interim Remarketing Agent Agreements with broker-dealers or banks for a period of up to 180 days with respect to the City of San José Financing Authority Lease Revenue Bonds in the event that the Executive Director deems it in the Authority's best interest.

CEQA: Not a Project. (Finance)

3. Adjourn the San José Financing Authority.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.